

UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

RONALD QUALLS,  
Petitioner

v.

LOIS RUSSO,  
Respondent

C.A. No. 05-10888-NMG

FILED  
CLERKS OFFICE

2006 SEP 28 P 2:14

U.S. DISTRICT COURT  
DISTRICT OF MASS.

PETITIONER'S MOTION FOR LEAVE TO PROCEED  
ON APPEAL IN FORMA PAUPERIS

Now comes the Petitioner in the above-captioned matter and, pursuant to Federal Rule of Appellate Procedure 24, moves this Court for leave to appeal the denial of his Petition for Writ of Habeas Corpus in forma pauperis.

In support of this motion, the Petitioner hereto attaches the required affidavit.

Respectfully submitted,



Ronald Qualls, pro se  
S.B.C.C.  
P.O. Box 8000  
Shirley, MA 01464

Dated: September 21, 2006

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U.S. DISTRICT  
COURT

**PETITIONER'S AFFIDAVIT IN SUPPORT OF HIS MOTION FOR  
LEAVE TO PROCEED ON APPEAL IN FORMA PAUPERIS**

I, Ronald Qualls, being duly sworn, do hereby state under the pains and penalties of perjury that, because of indigence, I cannot prepay the docket fees of my appeal from the denial of my Petition for Writ of Habeas Corpus. I believe I am entitled to redress. I further state under the pains and penalties of perjury under United States laws that my answers on this form are true and correct. (28 U.S.C. § 1746; 18 U.S.C. § 1621.)



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My issues on appeal are that the District Court erred in denying my Petition for Writ of Habeas Corpus in that admission of hearsay statements during my trial in state court violated my right to confrontation guaranteed by the Sixth Amendment to the United States Constitution. See Crawford v. Washington, 541 U.S. 36 (2004); White v. Illinois, 502 U.S. 346 (1992); Idaho v. Wright, 497 U.S. 805 (1990).

1. For both you and your spouse estimate the average amount of money received from each of the following sources during the past twelve months. Adjust any amount that was received weekly, biweekly, quarterly, or annually to show the monthly rate. Use gross amounts, that is, amounts before any deductions for taxes or otherwise.

Income source	Average monthly amount		Amount expected next month	
	You	Spouse	You	Spouse
Employment	0	0	0	0
Self-employment	0	0	0	0
Income from Property (such as rental income)	0	0	0	0
Interest and Dividends	0	0	0	0
Gifts	0	0	0	0
Alimony	0	0	0	0
Child support	0	0	0	0
Retirement (such as social security, etc.)	0	0	0	0
Disability	0	0	0	0
Unemployment payments	0	0	0	0
Public assistance	0	0	0	0
Other (specify)	0	0	0	0
Total monthly income	0	0	0	0

2. List your employment history, most recent employer first (Gross monthly pay is before taxes or other deductions.)

Employer	Address	Dates of employment	Gross monthly pay
none			

3. List your spouse's employment history, most recent first. (Gross monthly pay is before taxes or other deductions.)

Employer	Address	Dates of employment	Gross monthly pay
none			

4. How much cash do you and your spouse have? \$

Below, state any money you or your spouse have in any bank accounts or in any other financial institution.

Financial institution	Type of account	Amount you have	Amount your spouse has
none			

If you are a prisoner, you must attach a statement certified by the appropriate institutional officer showing all receipts, expenditures, and balances during the last six months in your institutional accounts. If you have multiple accounts, perhaps because you have been in multiple institutions, attach one certified copy of each account.

5. List the assets, and their values, which you or your spouse owns. Do not list clothing and ordinary household furnishings.

Home	(Value)	Other real estate	(Value)	Motor vehicle	(Value)
<u>none</u>		<u>none</u>		<u>none</u>	

6. State every person, business, or organization owing you or your spouse money and the amount owed.

none

7. State the persons who rely on you or your spouse for support.

none

8. Estimate the average monthly expenses of you and your family.

none

9. Do you expect any major changes in your monthly income or expenses or in your assets or liabilities during the next twelve months?

No

10. Have you paid - or will you be paying - an attorney any money for services in connection with this case, including the completion of this form?

Yes

If yes, how much?

\$20,000.00 to file Petition for Writ of Habeas Corpus in District Court. That amount was not for representation on appeal. The money was provided by a relative.

If yes, state the attorney's name, address and telephone number.

Bradford Bailey; Denner O;Malley LLP; 4 Longfellow Place; 35th Floor; Boston, MA 02114. (617) 227-2800

11. Have you paid - or will you be paying - anyone other than an attorney (such as a paralegal or a typist) any money for services in connection with this case, including the completion of this form?

No

12. Provide any other information that will help explain why you cannot pay the docket fees for your appeal.

I am presently incarcerated and serving a life sentence. I am unemployed and have no income or property. I live solely on the occasional receipt of minimal funds from my family.

13. State the address of you legal residence.

Souza Baranowski Correctional Center; P.O. Box 8000; Shirley, MA 01464

Your daytime phone number none

Your age 34 Your years of schooling 12

Your social security number 029-56-7279

**CERTIFICATE OF SERVICE**

I, Ronald Qualls, do hereby certify that I have served a true copy of the attached Petitioner's Motion for Leave to Proceed on Appeal in Forma Pauperis, along with the required affidavit, upon counsel for the Respondent. Service was completed by mailing said copies, first class, to: Maura D. McLaughlin; Assistant Attorney General: Criminal Bureau; One Ashburton Place; Boston, MA 02108.

Respectfully submitted,



Ronald Qualls, pro se  
S.B.C.C.  
P.O. Box 8000  
Shirley, MA 01464

Dated: September 21, 2006